

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Commodity Futures Trading Commission,
et al.,

Plaintiffs,

v.

TMTE, Inc. a/k/a metals.com, Chase Metals
Inc., Chase Metals, LLC, Barrick Capital,
Inc., Lucas Thomas Erb a/k/a Lucas Asher
a/k/a Luke Asher, and Simon Batashvili,

Defendants.

Civil Action No. 3:20-CV-2910-L

**MOTION TO WITHDRAW AS COUNSEL OF RECORD BY
BRADLEY ARANT BOULT CUMMINGS LLP**

Comes now Gene R. Besen, Elisha Kobre, Kristina A. Reliford, and David C. Miller of the law firm Bradley Arant Boult Cummings LLP (“Bradley”) and respectfully move this Court for leave to withdraw as counsel of record for Defendants Lucas Asher and Simon Batashvili (together, the “Defendants”) in the above-entitled action. Plaintiffs’ counsel has no opposition to Bradley withdrawing as counsel of record in this action. In support of this motion, Bradley states as follows:

1. Bradley is currently counsel of record for Defendants in the above action.
2. The Defendants have failed to substantially fulfill their obligations to Bradley

regarding the firm's services by failing to pay fees for work rendered. As such, Bradley's continued representation of Defendants will result in an unanticipated and substantial financial burden on Bradley.

3. On December 16, 2022, undersigned counsel contacted counsel for the CFTC, Christine Ryall, via telephone, and informed her that Bradley is filing a motion to withdraw as counsel of record for Defendants in this case. Ms. Ryall stated that Plaintiffs are not opposed to Bradley withdrawing as counsel of record.

4. Bradley's withdrawal will not result in a delay in the case or prejudice any party to this case. Indeed, Defendants are represented at this time by Heath Hyde of Heath Hyde, P.C., who has made a general appearance in this matter. While trial is currently set for August 2023, this action is still in the early stages and the parties have not yet engaged in any discovery.

5. Moreover, Bradley has been informed that new counsel will shortly file an unopposed motion seeking a ninety (90) day continuance of this action to allow new counsel sufficient time to get up to speed on this matter. Counsel for Plaintiffs consent to this continuance.

6. Defendants have also given informed consent to Bradley to withdraw as counsel of record in this action.

7. WHEREFORE, Bradley respectfully requests that the Court enter an Order allowing it to withdraw from the above-styled case.

Dated: December 28, 2022

Respectfully submitted,

/s/ Kristina A. Reliford

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**ATTORNEYS FOR DEFENDANTS
LUCAS ASHER AND SIMON BATASHVILI**